

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PRIDE MOBILITY PRODUCTS	:	Case No.: 4:05CV807
CORPORATION,	:	
Plaintiff	:	Judge Jones
	:	
v	:	
	:	
DEWERT MOTORIZED	:	
SYSTEMS, et al.,	:	
Defendants	:	

**MEMORANDUM AND ORDER**

July 13, 2005

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Pending before the Court is a Motion to Dismiss Pursuant to Federal Rules 12(c) and 12(h)(2) (“the Motion”) (doc. 13) filed by Defendant Allianz Global Risks US Insurance Company (“Allianz”) on June 7, 2005. On July 13, 2005, the Court held a telephonic conference call to address a dispute between the parties as to whether the excess policy of insurance issued by Allianz to its insureds, Phoenix Mecano, Inc. (“Phoenix Mecano”) and Dewert Motorized Systems (“Dewert”) (“Dewert/Phoenix Mecano excess policy”) is relevant to the pending Motion and is therefore necessary to produce.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Defendant Allianz Global Risks US Insurance Company shall provide Plaintiff with the Dewert/Phoenix Mecano excess insurance policy within five (5) days of the date of this Order.
2. Within five (5) days of Plaintiff's receipt of the Dewert/Phoenix Mecano excess insurance policy, Plaintiff shall either submit a brief in opposition to the pending Motion or shall move to amend its complaint.

S/ John E. Jones III  
John E. Jones III  
United States District Judge